

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Criminal appearance bonds set by the court are either personal recognizance, unsecured or secured. The only document required in the case of a personal recognizance bond is the Order Setting Conditions of Release form which is signed by the defendant.

An unsecured bond is a bond set in a dollar amount but without the requirement that security be posted to cover that sum. An Appearance Bond form and the Order Setting Conditions of Release form are executed by the defendant. When a secured bond is set the court will specify how the amount of the bond may be secured. The bond can be ordered to be secured by corporate surety, real property, cash (fully secured) or cash (10% secured), or the court may order a combination of these conditions.

CORPORATE SURETY BONDS

The U.S. Treasury publishes a list of surety/insurance companies approved to write federal bonds. The companies must register a local agent to write bonds on its behalf. The surety book containing registered agents listed by company is kept in Room A-105, the clerk's office. The agent will complete the company's power of attorney form which is then attached to the appearance bond form.

BONDS SECURED BY CASH

A bond may be fully secured by cash, certified check, money order or credit card. If a bond is *fully* secured the whole amount must be deposited. Certified funds by cashier's check or money order are to be made payable to **Clerk, U.S. District Court**. The owner(s) of the cash deposited must be in court to sign the bond as surety. Sureties must complete the form entitled "Affidavit by Owner of Cash Bail." A bond that is set at "10% secured" may be secured by the same methods as a fully secured bond but the amount to be deposited is 10% of the bond set by the court. **Credit cards accepted by the court are Visa, MasterCard, Discover, American Express and Diner's Club.**

REAL PROPERTY BONDS

The following documents are necessary for the court to determine the value of the real property to be posted on behalf of the defendant:

1. Warrant Deed for evidence of ownership and to provide legal description.
2. Current tax receipt from the county showing the taxes are current.
3. Evidence of current value such as appraisal prepared within the last year or current county assessment.
4. Statement from mortgage holder of balance on mortgage and whether payments are current.
5. A **current** "Ownership and Encumbrances Report" (sometimes referred to as an "O & E"). An O & E is a report generally available from a title insurance company which identifies the owner of record of real property and specifies all currently existing encumbrances filed of record against the property, including deeds of trust, liens, and

judgments. An O & E is not the same thing as a title insurance policy or commitment. To satisfy this requirement, the O & E must be current (dated not more than 7 days prior to receipt) and must be received by the Clerk's office (by facsimile at 303-335-2714) directly from the issuing title company.

6. May require additional information pursuant to order of the court.

The following procedure will be followed in executing the property bond

1. All parties on the title must be present to sign in court the following documents:
 - a. Notice of Lien
 - b. Justification of Surety
 - c. Appearance bond
2. The notice of lien must be recorded with the County Clerk and Recorder in the county where the property is located before the release of the defendant. The cost of the recording fee is to be paid by the defendant or property owners.
3. The receipt confirming the recording of the notice of lien must be provided to the court prior to release of the defendant.